IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.377 OF 2004

Frontier Springs Ltd. ..Petitioners.

Vs.

The Western Railway & Ors. ..Respondents.

Mr.Birendra Saraf i/b.M/s.Udwadia Udeshi, Advocate for the Petitioners.

None for the Respondents.

CORAM : S.J. VAZIFDAR, J.
DATED : 4TH OCTOBER, 2004

P.C. :

By this Petition the Petitioner seeks to restrain the Respondent from deducting the amount of Rs.18,87,789/- from its bills even in respect of other contracts which are set out in Exhibit "Z" to the Petition.

2. This relief cannot be granted. It, in fact, constitutes a money claim which must be decided in arbitration.

3. However, Mr.Saraf states that the Respondent may deduct the said amount in respect of each of the

contracts in view of the fact that the Respondent had issued a circular/notice to its various departments handling each contract.

4. The apprehension is without any basis. It is clear that in the event of the Respondent claiming the sum of Rs.18,87,789/- the Respondent would be entitled to withhold from the amounts due under any of the other contracts only an aggregate sum of Rs.18,87,789/-. In other words, the Respondent would not be entitled to withhold the said amount in each of its contracts.

5. With this clarification, the Petition stands disposed of.

Parties to act on an ordinary copy of this order duly authenticated by the Chamber Registrar/Court Stenographer.